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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/634,755

08/08/2000

Ronald Coleman

CITI0168

4348

75127 7590 01/12/2009

KING & SPALDING LLP (CITI CUSTOMER NUMBER)

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SUITE 200

WASHINGTON, DC 20006

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

MAIL DATE

DELIVERY MODE

01/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/634,755	Applicant(s) COLEMAN ET AL.	
	Examiner JOHN M. WINTER	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 16-20 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16-20 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The Applicants amendment filed on October 17, 2008 is hereby acknowledged, Claims 11-15, 17-20 and 29-34 remain pending.

Response to Arguments

2. The Applicants arguments filed on October 17, 2008 have been fully considered.

The Applicant states that the term "to deduce the plausibility" is supported in light of the specification.

The Examiner maintains that the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner submits that the term "plausibility", Defined as *likely but not certain to be or become true or real is indefinite*.

The Applicant states that the prior art fails to teach or suggest " the one or more central processing units performing a mathematical calculation using the information content of the input financial data and the information content of the one or more historical values to deduce the plausibility that changes to the set of input financial data are the result of one or more errors," as recited in claim 11.

Examiner responds that the language that Applicant considers lacking from the prior art is directed towards intended use (e.g. "performing a mathematical calculation using the information content of the input financial data") and it has been held that the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art- if the prior art has the capability to so perform (MPEP 2114

and *Ex parte Masham*, 2 USPQ2d 1647 (1987)). Similarly, while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2214; *In re Swineheart*, 169 USPQ 226; *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)). Therefore, as Hedstrom et al. (US Patent 6,477,471) teaches Applicant's claimed "the one or more central processing units " (Figures 4 and 5, Column 3, lines 19-36) sufficiently in terms of art.

In regard to claim 30, The Examiner states that the claimed feature of " **identifying the odds of a possible error based on the change at a predetermined statistical confidence level.**" **Is disclosed by Hedstrom at** Column 3, lines 19-36 "The user enters data in two sheets, the historical sheet 21 and the current sheet 23. See diagram in FIG. 3. A third sheet 27, the summary sheet, automatically summarizes the decisions made, actual observed defects, the predicted number of escaping defects, and statistical confidence intervals qualifying the "goodness" of the prediction. There is also a fourth sheet or page which contains the original computer program to calculate the Poisson probabilities." The Examiner submits that the confidence level corresponds to "goodness" prediction and the predetermined number is equivalent to the predicted number of escaping defects, the prior art is therefore equivalent to the claimed feature of **identifying the odds of a possible error based on the change at a predetermined statistical confidence level.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-15, 17-20 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "to deduce the plausibility" in claims 11 and 14 are relative terms which renders the claim indefinite. The term "to deduce the plausibility" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

4. Claims 12, 13, 15, 17-20 and 29 are also rejected as each depends from either claim 11 or 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-14, 16-20 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh et al., (US Patent No 4,866,634) in view of Hedstrom et al. (US Patent 6,477,471).

7. As per claim 11,

Reboh et al. ('634) discloses a system for detecting abnormalities in input financial data to a financial risk management system, the system comprising:

a data processing server that receives a set of input financial data; (Column 4, lines 18-23)

a computer storage device storing one or more historical values, each historical value representing a previous set of input financial data; (Column 4, lines 24-34)

Reboh et al. ('634) does not explicitly disclose one or more central processing units coupled to the computer storage device, the one or more central processing units performing a mathematical calculation calculating using the information content of the input financial data and the information content of the one or more historical values to deduce the plausibility that changes to the set of input financial data are the result of one or more errors, and the one or more central processing units presenting a confidence level that a change between the information content of the input financial data and the information content of the one or more historical vales is caused by an error. Hedstrom et al. ('471) discloses one or more central processing units coupled to the computer storage device, the one or more central processing units performing a mathematical calculation calculating using the information content of the input financial data and the information content of the one or more historical values to deduce the plausibility that changes to the set of input financial data are the result of one or more errors, and the one or more central processing units presenting a confidence level that a change between the information content of the input financial data and the information content of the one or more historical

vales is caused by an error; (Figures 4 and 5, Column 3, lines 19-36 – confidence level corresponds to “goodness” prediction.)it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Reboh et al method with Hedstrom et al. (‘471) method in order to reduce the cost of error correction in databases by providing a simple and inexpensive process to ensure the quality of the data being processed.

The Examiner would like to point out that the language of the claimed invention is largely directed towards intended use and it has been held that the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art- if the prior art has the capability to so perform (MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987)). Similarly, while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2214; *In re Swineheart*, 169 USPQ 226; *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)).

8. Claim 14 is not patentably distinct from claim 11 and is rejected for at least the same reasons.

9. As per claim 15,

Reboh et al. (‘634) discloses the system of claim 14,

Official Notice is taken that “displaying an icon indicating an error” is common and well known in prior art in reference to statistical analysis. It would have been obvious to one

having ordinary skill in the art at the time the invention was made that an error would cause the user to be notified.

10. As per claim 17,

Reboh et al. ('634) discloses the system of claim 11,

Official Notice is taken that "the statistical analysis is performed by calculating the Shannon entropy" is common and well known in prior art in reference to statistical analysis. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the statistical analysis is performed using Shannon entropy because this is a standard technique that is well known and found in any statistical analysis textbook.

11. Claims 18-20 are in parallel with claim 17 and are rejected for at least the same reasons.

12. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh et al., (US Patent No 4,866,634) in view of Hedstrom et al. (US Patent 6,477,471) and further in view of Masch (US Patent 5,930,762).

13. As per claim 12,

Reboh et al. ('634) discloses the system of claim 11,

Reboh et al. ('634) does not explicitly disclose the input data includes financial data feeds from one or more data processing systems. Masch ('762) discloses the input data includes financial data feeds from one or more data processing systems;(Column 2, lines 21-34) It

would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

14. As per claim 13,

Reboh et al. ('634) discloses the system of claim 11,

Reboh et al. ('634) does not explicitly disclose the input data includes financial data calculated by a financial risk management system. Masch ('762) discloses the input data includes financial data calculated by a financial risk management system;(Column 2, lines 21-34). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

15. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh et al., (US Patent No 4,866,634) in view of Huh et al. (US Patent 5,396,612) and further in view of Statistics , Meaning and method; Lawerence Laupin, 1980.

16. As per claim 16,

Reboh et al. ('634) discloses the system of claim 11,

Reboh et al. ('634) does not explicitly disclose calculating the information content of the input data; and performing a statistical analysis of the calculated information content relative to the one or more historical values to determine the likelihood that changes to the

input data are the result of one or more errors. Laupin discloses calculating the information content of the input data; and performing a statistical analysis of the calculated information content relative to the one or more historical values to determine the likelihood that changes to the input data are the result of one or more errors (Pages 247-248) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Laupin method in order to generate a sufficient amount of data to achieve statistical accuracy.

17. Claims 29-34 are not patentably distinct from the above rejected claims and are rejected for at least the same reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685